

EXHIBIT #10

Ladias, Eleny

January 12, 2011

Page 1

UNITED STATES OF AMERICA
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
MILWAUKEE DISTRICT OFFICE

- - - - - x

LARRY BOSS	: EEOC NUMBER:
Complainant	: 443-08-00115X
vs	: AGENCY NUMBER:
ALPHONSO JACKSON, SECRETARY	: HUD 00123 2007
DEPARTMENT OF HOUSING &	:
URBAN DEVELOPMENT	:
Agency	:

- - - - - x January 12, 2011

PURSUANT TO NOTICE, the following deposition of ELENY LADIAS was taken via telephone by me, Kathleen S. Wilson, Notary Public, in and for the State of Maryland, at 440 West Randolph Street, Chicago, Illinois 60606, commencing at 1:25 p.m., when were present on behalf of the respective parties:

Elite Reporting Company, Inc.
67 Saint Andrews Road

Severna Park,

800-734-3337
Maryland 21146

Ladiao, Eleny

January 12, 2011

Page 2

1 APPEARANCES

2

3 JAMES L. FUCHS, ESQUIRE

4 Snider and Associates, LLC

5 104 Church Lane

6 Suite 100

7 Baltimore, Maryland 21208

8 (410) 653-9060

9 On Behalf Of The Complainant

10

11 THOMAS G. MASSOURAS, ESQUIRE (Via Telephone)

12 U.S. Department of Housing and

13 Urban Development

14 Office of the Regional Counsel

15 77 West Jackson Boulevard

16 Room 2622

17 Chicago, Illinois 60604

18 (312) 913-8649

19 On Behalf of the Agency

20

21 ALSO PRESENT - Larry Boss

Elite Reporting Company, Inc.
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Ladías, Eleny

January 12, 2011

Page 3

1 I-N-D-E-X

2

3 WITNESS

4 ELENY LADIAS

5 Examination by Mr. Fuchs

Page 5

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9 E-X-H-I-B-I-T-S

10 (None)

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Ladías, Eleny

January 12, 2011

Page 4

1 Whereupon,

2 ELENY LADIAS,
3 was called as a witness by counsel for the
4 Complainant, Larry Boss, and after having first
5 been duly sworn by the Notary Reporter, was
6 examined and testified as follows:

7 THE REPORTER: Would you state your full
8 name and address for the record? And you can
9 give me your work address is fine.

10 THE WITNESS: It's Eleny Ladías, 77 West
11 Jackson, Chicago, Illinois 60604.

12 THE REPORTER: Thank you.

13 EXAMINATION

14 BY MR. FUCHS:

15 Q. Ms. Ladías, good afternoon.

16 A. Hello.

17 Q. My name is James Fuchs and, as I think
18 you know, I'm representing Larry Boss in his
19 action against the agency.

20 I'm going to be asking you a series of
21 questions in what is known as a deposition. I

Ladiao, Eleny

January 12, 2011

Page 21

1 Q. Which housing assignments were difficult
2 for Mr. Spearman?

3 A. East St. Louis, Lackford, Springfield,
4 Rock Island.

5 Q. What was difficult about -- I'm sorry.
6 Had you finished?

7 A. Williamson County.

8 Q. Why were those assignments difficult?

9 A. Those housing authorities are either
10 troubled or they require extensive technical
11 assistance due to staff turnover, issues at the
12 housing authority, many tenant complaints.

13 Q. What kind of technical assistance would
14 they require?

15 A. Usually in the capital fund area because
16 they would lose staff who were trained and then
17 Bill would have to assist them in the capital fund
18 obligations and expenditures.

19 Q. How would he assist them with the capital
20 fund expenditures?

21 A. In some cases he had the housing

Ladiao, Eleny

January 12, 2011

Page 24

1 Q. Now, you mentioned -- you testified that
2 Mr. Kobb had 50 open -- had 50 that were open.
3 Did he -- did Mr. Kobb have particularly difficult
4 housing authorities to work with?

5 A. He had a few troubled housing
6 authorities. I met with Mr. Kobb right after the
7 listing was generated and within two months of our
8 meeting, he closed roughly 32 open grants of the
9 50 that he had.

10 By April of 2008, he had completed all of
11 them except for roughly ten. And he had worked on
12 the 2003 because he provided me with a listing and
13 he knew he was retiring in July of 2008.

14 Q. Do you know whether he did everything he
15 needed to do in order to make those closeouts
16 correct?

17 A. Yes. Yes. He was very diligent, once I
18 met with him.

19 Q. Was this something you observed or
20 something that you surmised?

21 A. My observation was that he was diligent

Ladiao, Eleny

January 12, 2011

Page 46

1 A. With the special project, most of the
2 grants that were older were closed out.

3 Q. By the engineers or by someone else?

4 A. The engineers closed out the majority of
5 the old programs. And then when some of them
6 retired, I reassigned the housing authorities to
7 the financial staff and now they are conducting
8 closeouts.

9 Q. Who are the financial staff are
10 conducting closeouts?

11 A. Cheryl Evans-Petterson. Donica Davis.
12 Belinda Francisco doesn't have proper access to
13 eLOCCS. And Mansel doesn't either. So the
14 majority -- and Joe Nemedi. He is also doing
15 these closeouts. The rest of them are being
16 completed by a program assistant, Alease Thomas.

17 Q. Anyone else?

18 A. That's it.

19 Q. Mansel is Mansel Freeman?

20 A. Freeman.

21 Q. Freeman. Was Mr. Freeman?

Ladiao, Eleny

January 12, 2011

Page 50

1 Q. Can you break down the distribution?

2 A. I don't recall. I do know that Mr. --
3 Mr. Boss had CHA and Cook County. He did receive
4 Cook County from Larry Kobb.

5 Q. Were CHA and Cook County more difficult,
6 less difficult, about the same in difficulty as
7 other housing authorities?

8 A. Cook County was a large housing
9 authority. CHA is a moving to work housing
10 authority.

11 Q. Moving to work, you said?

12 A. Moving to work.

13 Q. Can you explain that?

14 A. They are not -- being a moving to work
15 housing authority means that they have flexibility
16 in HUD rules and regulations.

17 For example, they're not required to
18 submit a PHA plan to our office. And for a long
19 time they were not required to close out their
20 capital fund grants.

21 Also, they didn't have to update their

Ladiao, Eleny

January 12, 2011

Page 51

1 obligations and expenditures in LOCCS until the
2 MTW Agreement was changed in early -- in early
3 Fiscal Year -- at the end of 2008, early 2009.

4 Q. How was it that this change took place?

5 A. It was an agreement in headquarters.
6 Headquarters maintains those agreements.

7 Q. Was someone in headquarters in particular
8 interested in that change, as far as you know? If
9 you don't know, that's fine.

10 A. I don't know.

11 Q. Okay. And when you said that there was
12 flexibility, can you explain that?

13 A. Most housing authorities have to keep
14 their capital funds money for capital fund items.
15 Their operating subsidy money for operating
16 subsidies, general expenses. Section 8 moneys
17 have to be used for Section 8 purposes.

18 But CHA is allowed to commingle their
19 funds and so they can use their Section 8 funding
20 for capital fund items, as long as they are able
21 to account for the items they are spending the

Ladiao, Eleny

January 12, 2011

Page 54

1 Q. Okay. And is there any way of parceling
2 that housing authority or do you have to give the
3 whole housing authority to someone?

4 A. It's easier to keep that recording
5 straight to assign housing authorities at Cook
6 County to one person, to make them the lead, so to
7 speak.

8 Q. So, when Mr. Boss had CHA, and I
9 understand Cook County which he inherited from Mr.
10 Kobb, did he have more housing authorities than
11 anyone else, or more work with respect to housing
12 authorities than anyone else?

13 A. As compared to?

14 Q. Other engineers or financial managers.

15 A. When Mr. Kobb retired, it was Mr.
16 Spearman and Mr. Boss remaining as engineers.

17 William Spearman, at that time, had a
18 couple housing authorities more than Larry --
19 Larry Boss. But his housing authorities were the
20 complex housing authorities, were the troubled
21 housing authorities.

Ladiao, Eleny

January 12, 2011

Page 56

1 schedule. And the housing authority is scored
2 based on that information.

3 For REAC, the REAC Assessment Center goes
4 out and they do annual inspections of units, a
5 certain percentage of the units of the housing
6 authorities, and they score the housing
7 authorities based on those inspections.

8 Q. Is it harder to deal with a troubled
9 housing authority than a non-troubled one?

10 A. Yes.

11 Q. What kinds of added responsibilities
12 would there be?

13 A. When a housing authority is considered
14 troubled, a memorandum of agreement is entered
15 into with the housing authority and they are
16 required to submit to us monthly reporting of
17 progress.

18 Q. The housing authority is required?

19 A. The housing authority.

20 Q. And how does this affect the engineer's
21 workload?

Ladiao, Eleny

January 12, 2011

Page 57

1 A. Intensive technical assistance is
2 required to assist the housing authority and to go
3 over the items they are deficient in and to make
4 sure that they are making progress.

5 Q. Do you know for a fact that Mr. Spearman
6 was doing this?

7 A. Yes.

8 Q. How do you know that?

9 A. He had a couple of troubled housing
10 authorities.

11 Q. And so how do you know he was doing the
12 extra legwork that you have described?

13 A. By his reports, meetings he was having
14 with housing authorities, communications, e-mail
15 communications. He testified for Williamson
16 County Housing Authority.

17 Q. Were these --

18 A. He went and did special on-site visits.
19 He visited Springfield Housing Authority.

20 Q. Were these reports required or were they
21 something he simply did, Mr. Spearman? You

Ladiao, Eleny

January 12, 2011

Page 66

1 A. Yes. All of the staff received the
2 housing authority assignments after Larry Kobb had
3 retired in July of 2008. I supplied a listing to
4 all staff in August of 2008 of all the housing
5 authority assignments.

6 In addition, we had a staff meeting and
7 we discussed them and I asked the staff if they
8 were okay with the housing authority assignments.

9 I had no -- Mr. Boss did not voice any
10 objections at the time.

11 Q. And he was at that meeting?

12 A. I don't recall.

13 Q. Did you do anything to ensure that
14 everybody would be at the meeting?

15 A. I don't recall.

16 Q. Did you take steps to inform anyone who
17 wasn't at the meeting what had transpired at the
18 meeting?

19 A. I don't recall.

20 Q. Was there more than one meeting about
21 this?

Ladiao, Eleny

January 12, 2011

Page 74

1 meeting and told her we need additional engineers.

2 Q. What were the circumstances under which
3 you had that meeting?

4 A. She had just come into our office to
5 visit and at that time I expressed the fact that
6 we needed additional engineers.

7 Q. Did she respond to you?

8 A. Yes.

9 Q. What did she say?

10 A. We probably will be able to hire one or
11 two engineers in the near future.

12 Q. And -- but she didn't do that?

13 A. My conversation with her was last year
14 sometime, so we did -- we were able to hire an
15 engineer in September of 2009. So whether it was
16 her that was -- that prompted that -- or 2010.
17 I'm sorry. We hired the engineer in 2010.
18 September 2010. So I'm not sure whether she was
19 the individual that -- that was able to get those
20 positions or not.

21 Q. How long a time had elapsed from the time

Ladiao, Eleny

January 12, 2011

Page 96

1 -- our reviews don't require the engineering
2 discipline.

3 Q. Now before his death were there also --
4 were there not enough engineers available?

5 A. It was difficult because we had lost a
6 lot of engineers. However, Bill Spearman did do
7 six on-site reviews in 2009 and Larry did one.

8 Q. How many did Mr. Spearman do?

9 A. Six.

10 Q. And Mr. Boss did one?

11 A. One.

12 Q. What was the complexity of the ones Mr.
13 Spearman did?

14 A. He did Peoria, CHA, Springfield, and I
15 can't remember what the others were. They were --
16 you know, and they are difficult housing
17 authorities.

18 Q. How about the complexity of the one that
19 Mr. Boss did?

20 A. I can't remember which one that was. It
21 -- I don't remember.

Ladiao, Eleny

January 12, 2011

Page 98

1 A. Yes.

2 Q. In terms of getting compliance and the
3 like?

4 A. Yes.

5 Q. Before Mr. Boss went out sick, did Mr.
6 Spearman say that Mr. Boss should take up some of
7 the slack?

8 A. I don't recall.

9 Q. Before Mr. Boss went out sick, did you
10 suggest that he should take up some of the slack?

11 A. I don't recall.

12 Q. All right. Now -- all right. Now, you
13 mentioned that -- you testified that there was --
14 I'm sorry. Let's go back then.

15 HOPE VI reviews, was it necessary to have
16 an engineer for those?

17 A. Yes.

18 Q. Why for the HOPE VI?

19 A. Because they needed to -- the engineer
20 needed to look at the contract award. The
21 engineer needed to look at inspections. The

Ladiao, Eleny

January 12, 2011

Page 141

1 Q. Did Mr. Panagos have any housing
2 authorities?

3 A. Yes.

4 Q. Did these housing authorities have open
5 programs?

6 A. Yes.

7 Q. Why were they open?

8 A. Like all the other engineers, there were
9 a number of open grants that hadn't been closed
10 out. However, he retired before the special
11 project was undertaken in early 2007. In fact, he
12 retired, I believe, in February of 2007 and we
13 started the special project in March of 2007.

14 Q. All right. Do you know if Mr. Panagos
15 had access to -- project control systems?

16 A. He did not.

17 Q. Do you know if this was a requirement for
18 the job?

19 A. He was not considered an engineer. His
20 background was not in engineering. So -- and he
21 was unable to get the security clearance required

Ladiao, Eleny

January 12, 2011

Page 142

1 for LOCCS access. He was an employee that was
2 transferred from the Troubled Agency Recovery
3 Center into our office, and we basically inherited
4 some employees, and he did not have access.

5 Q. Did Mr. Boss ever express concern about
6 inheriting Mr. Kobb's CHA work?

7 A. Mr. Kobb's?

8 Q. Mr. Boss ever -- did Mr. Boss express
9 concern about inheriting Mr. Kobb's CHA work?

10 A. I don't recall.

11 Q. Was a decision made to assign Mr. Boss
12 some of Mr. Kobb's CHA work?

13 A. Mr. -- Mr. Boss and Mr. Kobb were jointly
14 assigned to CHA, as early as 2007. If you look at
15 the assignment listing, they were both -- both
16 assigned to CHA. And they were basically
17 splitting up the function. And when Larry Kobb
18 retired, then Larry Boss became the FM contact.

19 Q. Could anyone else have shared that
20 responsibility with Mr. Boss?

21 A. Mr. Spearman was actually sharing the

Ladiao, Eleny

January 12, 2011

Page 150

1 not get into eLOCCS, that he had not taken his HUD
2 laptop computer home that day and he was working
3 with -- from his personal computer.

4 The requirement is that if a HUD employee
5 is going to tele-work, they have to have access to
6 all HUD systems. So if you don't take your HUD
7 laptop home and you are working off your personal
8 computer, then you need to have access to HUD
9 Mobile.

10 I am not a tele-worker and I have access
11 to HUD Mobile, and I have access to all HUD
12 systems. And he demonstrated that he did not have
13 access to the systems.

14 Q. Now, when you say that it's required that
15 someone have access to -- for all tele-workers to
16 have access to all systems --

17 A. Right.

18 Q. -- where is that required?

19 A. In the tele-work agreement.

20 Q. Okay. Who determines the dates of CHA
21 reviews?

Ladiao, Eleny

January 12, 2011

Page 151

1 A. The review schedule is usually -- we sit
2 down -- Elmore, Steve, and I -- and we go over the
3 number of reviews that headquarters has told us
4 that we have to do, or we have to complete for the
5 year. And that at that point, we look to see
6 which housing authorities should be which quarter,
7 you know, what -- what dates the housing authority
8 -- excuse me. We determine the months that the
9 reviews should take place. However, it is not set
10 in stone. We communicate to the staff what the
11 review schedule is, who is on the team, and we
12 leave it pretty much up to the staff to decide the
13 exact dates, based on their schedules.

14 So the review schedule that is put in
15 place at the beginning of the year is not set in
16 stone. It's subject to change.

17 Q. Does a team member have a role in
18 determining this?

19 A. Yes. All team members should have -- it
20 should be a consensus of the team. And that's how
21 it works.

Ladidas, Eleny

January 12, 2011

Page 152

1 Q. Who picks the team members?

2 A. Steve, Elmore, and me.

3 Q. How are they picked?

4 A. Based on the level of expertise, how many
5 reviews the employee has, that's how we decide.

6 Q. Do you know how many reviews Mr. Boss had
7 for the Year 2008?

8 A. No. I don't recall.

9 Q. Do you remember if he completed those
10 reviews?

11 A. I don't recall. I know that he did not
12 complete the HOPE VI on-site review for 2008.
13 That's the only one, the CHA one, that I am aware
14 of.

15 Q. By the way, who -- who was involved in
16 the determination that Mr. Boss would be involved
17 in that HOPE VI review?

18 A. We had no other facility engineer to
19 attend the review, so we needed to have Mr. Boss
20 attend it. We had no other -- Bill was out. Bill
21 had had an accident.

Ladiao, Eleny

January 12, 2011

Page 153

1 Q. Was this a discussion between you and Mr.
2 Meiss, or you and someone else, or it was your own
3 decision?

4 A. No. It was a discussion with Elmore, me,
5 and Steve.

6 Q. Okay. Did headquarters send e-mails to
7 your office concerning non-compliance?

8 A. Clarify.

9 Q. Non-compliance with closeout reviews.

10 A. We didn't --

11 Q. Right.

12 A. I don't understand the question.

13 Q. Did headquarters ever say that you had
14 not -- that your office had been deficient in
15 compliance with anything in an e-mail?

16 A. No.

17 Q. All right. And you testified that Mr.
18 Panagos did not have access to the LOCCS; is that
19 correct?

20 A. Right. Yes.

21 Q. Do you have access to it?

Ladiao, Eleny

January 12, 2011

Page 154

1 A. I have query access. I do not have full
2 access.

3 Q. Is it necessary to be an engineer to have
4 full access?

5 A. Yes.

6 Q. Was CHA required to close out any grants
7 before 2009?

8 A. No.

9 Q. Did you ever contact anyone in tele-work
10 who was not available? In other words, try to --
11 did you ever try to contact someone who was
12 supposed to be tele-working and find that person
13 was not available?

14 A. Clarify.

15 Q. Did you ever try to -- let's say Tuesday
16 was Jane Smith's tele-work day. Did you ever try
17 to -- was there ever a time that you tried to
18 contact Jane Smith or anybody else on a tele-
19 working day and find that the employee was not
20 there?

21 A. Yes.

Ladiao, Eleny

January 12, 2011

Page 166

1 Q. Had she spoken to you about this before
2 that or not?

3 A. The assignment listing was clear.

4 Q. Since CHA is a fairly large entity, is
5 there any reason to assume that Mr. Boss would be
6 handling the entire thing?

7 A. Cheryl Evans-Petterson is a financial
8 analyst and she is doing the facilities management
9 portion right now. She is currently doing both
10 the financial and the facilities part. So if it
11 can be assigned to Cheryl Evans-Petterson and she
12 could do a good job of it, I believed that Larry
13 would have been able to handle CHA by himself.

14 Q. So does this mean that non-engineers can
15 do engineering work?

16 A. Remember, they are not doing certain
17 things -- ETC contracts. There are certain things
18 that facilities engineers do.

19 Right now, because there is just a few
20 things that CHA has to -- is required to do, she
21 can handle it.